

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY	)	MDL No. 1456
AVERAGE WHOLESale PRICE	)	Civil Action No. 01-CV-12257-PBS
LITIGATION	)	Judge Patti B. Saris
	)	
THIS DOCUMENT RELATES TO:	)	
	)	
State of Montana v. Abbott Labs., Inc., <u>et al.</u> ,	)	
02-CV-12084-PBS	)	
	)	
State of Nevada v. American Home Products	)	
Corp., <u>et al.</u> , 02-CV-12086-PBS	)	
	)	
County of Suffolk v. Abbott Laboratories, Inc.,	)	
<u>et al.</u> , 01-CV-12257-PBS	)	
	)	

**THE UNITED STATES' MOTION FOR LEAVE TO FILE REPLY**

The United States of America, on behalf of the Secretary of Health and Human Services (Secretary), moves for leave to file a memorandum in reply to the Defendants' Brief In Response To the Amicus Curiae Briefs of the United States and the Commonwealth of Massachusetts ("Defendants' Brief"). The United States seeks to file a short reply (not more than seven pages) in order to address certain assertions made in the Defendants' Brief which were not adequately addressed in the Government's initial brief. The United States believes that a short reply brief

would assist the Court in resolving the preemption issue. The United States would file its reply memorandum on or before April 23, 2004.

Respectfully submitted,

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Date: April 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon all counsel of record who are not registered to receive electronic notification through the court's Electronic Case Filing system by first class mail, postage prepaid, on this date.

Date: April 16, 2004

/s/ George B. Henderson, II  
George B. Henderson, II